

U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE

EXPRESS MAIL LABEL NO.: N/A

June 13, 2007

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER: 4100.P0424US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5): 10/593 923

CONFIRMATION NO.: 5881

INTERNATIONAL APPLICATION NO.: PCT/EP2005/003128

INTERNATIONAL FILING DATE: March 23, 2005

PRIORITY DATE CLAIMED: March 23, 2004

TITLE OF INVENTION: RETAINING DEVICE FOR TEAT CUPS AND ACTUATOR FOR INCITING
A MOVEMENT OF A TEAT CUP CLUSTER

APPLICANT(S) FOR DO/EO/US: (1) Jakob MAIER, Jr., (2) Wilfried HATZACK

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13^{ter}.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - A. Copy of Notification of Missing Requirements Under 35 U.S.C. 371
 - B. Amendment Transmittal
 - C. Amendment Before First Office Action
 - D. Post Card

The following fees have been submitted:	Calculations	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic National Fee (37 CFR 1.492(a))\$300.00	\$0.00	
22. <input checked="" type="checkbox"/> Examination Fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)\$0.00 All other situations\$200.00	\$200.00	
23. <input checked="" type="checkbox"/> Search Fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)\$0.00 Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority\$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB\$400.00 All other situations\$500.00	\$400.00	
TOTAL OF 21, 22 AND 23 =	\$600.00	


[X] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
122 - 100 =	22/50 =	1	x \$250	\$250.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	1 - 20 =	0	x \$ 50.00	\$0.00	
Ind. claims	1 - 3 =	0	x \$200.00	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$360.00				\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$980.00	
[X] Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. SUBTOTAL =				\$490.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$130.00
TOTAL NATIONAL FEE =				\$620.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$0.00
TOTAL FEES ENCLOSED =				\$620.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$

- a. [X] A check in the amount of \$2,095.00 to cover the fees is enclosed.
b. [] Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

IN DUPLICATE

PLEASE DIRECT CORRESPONDENCE TO
THE ADDRESS ASSOCIATED WITH THE
FOLLOWING CUSTOMER NUMBER: 23474

300.04/07


David G. Boutell
Registration Number: 25 072
DGB/DJW/jas

FLYNN, THIEL, BOUTELL & TANIS, P.C.
2026 Rambling Road
Kalamazoo, Michigan 49008-1631

Applicant(s): Jakob MAIER, Jr., et al.

Title: RETAINING DEVICE FOR TEAT CUPS AND ACTUATOR FOR
INCITING A MOVEMENT OF A TEAT CUP CLUSTER

PCT International Application No.: PCT/EP2005/003128

PCT International Filing Date: March 23, 2005

U.S. Application No.

(if known, see 37 CFR 1.5): 10/593 923

Confirmation No.: 5881

Atty. Docket No.: 4100.P0424US

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FIRST CLASS MAILING CERTIFICATE

Sir:

I hereby certify that this correspondence is being
deposited with the United States Postal Service under 37 CFR
1.8 as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450, on June 21, 2007.


David G. Boutell

DGB/DJW/jas

FLYNN, THIEL, BOUTELL	Dale H. Thiel	Reg. No. 24 323
& TANIS, P.C.	David G. Boutell	Reg. No. 25 072
2026 Rambling Road	Terryence F. Chapman	Reg. No. 32 549
Kalamazoo, MI 49008-1631	Mark L. Maki	Reg. No. 36 589
Phone: (269) 381-1156	Liane L. Churney	Reg. No. 40 694
Fax: (269) 381-5465	Brian R. Tumm	Reg. No. 36 328
	Steven R. Thiel	Reg. No. 53 685
	Donald J. Wallace	Reg. No. 43 977
	Sidney B. Williams, Jr.	Reg. No. 24 949

Correspondence: Form PTO-1390 including enclosures listed
thereon

390.05/05



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,923	Jakob Maier	4100.P0424US

INTERNATIONAL APPLICATION NO.

PCT/EP05/03128

I.A. FILING DATE	PRIORITY DATE
03/23/2005	03/23/2004

23474

FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

DHT _____ DGB _____ TFC _____
MLM _____ LLC _____ BRT _____
SRT _____ DJW _____ SBW _____

MAY 25 2007

HJ _____ PMG _____
GMS _____ CRA _____ KC _____
FILE _____

CONFIRMATION NO. 5881

371 FORMALITIES LETTER



OC000000023974165

Date Mailed: 05/22/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/21/2006
- Copy of IPE Report filed on 09/21/2006
- Request for Immediate Examination filed on 09/21/2006
- U.S. Basic National Fees filed on 09/21/2006
- Priority Documents filed on 09/21/2006

FILE NO: GKS 424 ATTY: DGB/DJW
DUE DATE: 07-22-2007 (20070722)
4100.P0424US /INIT: (20070522)
ACTION: 10 RES PER: 2 M DK1
FILE IDS W/MISS PARTS / 2688

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

FILE NO: GKS 424 ATTY: DGB/DJW
DUE DATE: 07-22-2007 (20070722)
4100.P0424US /INIT: (20070522)
ACTION: 10 RES PER: 2 M DK1
FILE FEE DEC. ET AL / 2689

Total additional fees required for this application is **\$545** for a Small Entity:

- **\$65** Surcharge.
- **\$130** for English translation surcharge required.
- The application search fee has not been paid. Applicant must submit **\$250** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/593,923	PCT/EP05/03128	4100.P0424US